

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PAULA ZAJAC,)	Electronically Filed
)	
Plaintiff,)	2:06cv1288
)	
v.)	
)	Judge David Stewart Cercone
MICHAEL J. ASTRUE, ¹)	Magistrate Judge Lisa Pupo Lenihan
Commissioner of Social Security,)	
)	Docs. 7 & 9
Defendant.)	
)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on September 26, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 11), filed on August 17, 2007, recommended that Plaintiff's Motion for Summary Judgment (Doc. No. 7) be granted, Defendant's Motion for Summary Judgment (Doc. No. 9) be denied, and the decision of the Commissioner of Social Security denying an award of disability insurance benefits be vacated and the case be remanded for further proceedings as are consistent with the Report and Recommendation. Service was made on all counsel of record. The parties were advised they were allowed ten (10) days from the

¹On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. Therefore, pursuant to Fed.R.Civ.P. 25(d)(1), Michael J. Astrue is substituted for former Commissioner, Jo Anne B. Barnhart, as the Defendant in this case.

date of service to file written objections to the Report and Recommendation. Objections to the Report and Recommendation (Doc. No. 12) were filed by Defendant on August 30, 2007. Plaintiff did not file a Response to Defendant's Objections. After review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 19th day of September, 2007,

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 7) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (Doc. No. 9) is **DENIED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security denying an award of disability insurance benefits is **VACATED** and the case **REMANDED** for further proceedings as are consistent with the Magistrate Judge's Report and Recommendation.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan, dated August 17, 2007, is adopted as the opinion of the Court.



DAVID STEWART CERCONE
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

All Counsel of Record
Via Electronic Mail